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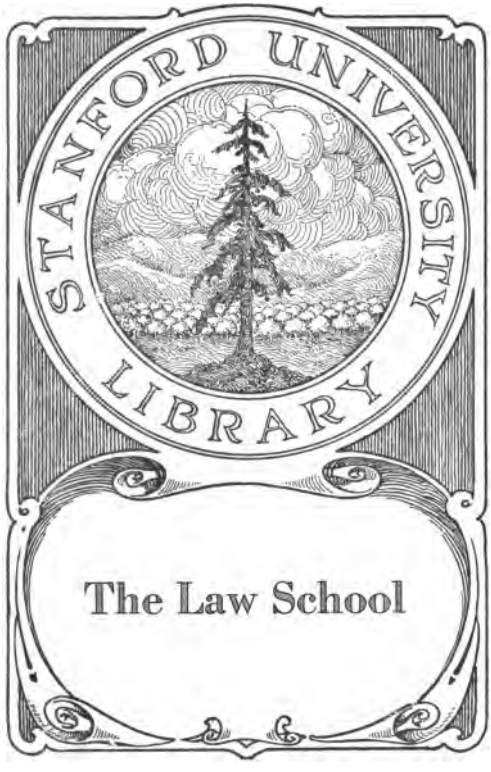
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ACTS

dup

A GENERAL NATURE,

PASSED AT THE SECOND SESSION

OF THE

THIRTIETH GENERAL ASSEMBLY

OF

THE STATE OF OHIO,

BEGUN AND HELD

IN THE TOWN OF COLUMBUS,

JUNE 4, 1832,

AND THE THIRTY FIRST YEAR OF SAID STATE.

(Vol. 30)

PUBLISHED BY AUTHORITY.

COLUMBUS:

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1832.

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GENERAL LAWS.

AN ACT to fix and apportion the representation in the General Assembly of Ohio

Thirty six senators and seventy two representatives compose the General Assembly.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the General Assembly of this State shall be composed of thirty six Senators and seventy two Representatives, to be apportioned among the several counties as follows, to wit:

To the county of Ashtabula, one representative; also one additional representative to be elected in the years one thousand eight hundred and thirty three, and one thousand eight hundred and thirty five; the county of Geauga one representative, also one additional representative to be elected in the years one thousand eight hundred and thirty two, and one thousand eight hundred and thirty four, and the two counties named, one senator. The county of Trumbull, two representatives and one senator. The county of Portage, one representative and one senator. The county of Cuyahoga, one representative; the counties of Medina and Lorain each one representative, to be elected in the years eighteen hundred and thirty two, eighteen hundred and thirty four and eighteen hundred and thirty five, and the two counties last named one representative in the year eighteen hundred and thirty three, and the three last named counties one senator. The county of Huron one representative, the counties of Seneca and Sandusky, one representative, and the three last named counties one senator. The county of Columbiana three representatives and one senator. The county of Stark two representatives and one senator. The county of Wayne one representative and one senator. The county of Richland one senator and one representative, also one additional representative to be elected in the years one thousand eight hundred and thirty three, and one thousand eight hundred and thirty five. The county of Jefferson one senator and one representative, also one additional representative to be elected in the years one thousand eight hundred and thirty two, and one thousand eight hundred and thirty four. The county of Harrison one representative and one senator. The county of Tuscarawas one representative, the county of Holmes one representative, and the two last named counties one senator. The county of Knox one representative, the county of Coshocton one representative, and the two last named counties one senator. The county of Delaware one representative, the counties of Marion and Crawford one representative, and the three last named counties one senator. The county of Belmont two representatives and

Apportioned among the several counties.

J43442

one senator. The county of Guernsey one representative, the county of Monroe one representative, and the two last named counties one senator. The county of Muskingum two representatives and one senator. The county of Licking one representative and one senator, also one additional representative to be elected in the year one thousand eight hundred and thirty three. The county of Perry one representative, the county of Morgan one representative, and the two last named counties one senator. The county of Fairfield two representatives and one senator. The counties of Gallia and Meigs one representative, also one additional representative, to be elected in the years one thousand eight hundred and thirty two, one thousand eight hundred and thirty four, and one thousand eight hundred and thirty five. The counties of Athens and Hocking one representative, also one additional representative to be elected in the year one thousand eight hundred and thirty three. The county of Washington one representative, and the five last named counties one senator. The counties of Scioto and Lawrence one representative; the counties of Pike and Jackson one representative, and the four last named counties one senator. The county of Ross, one representative and one senator, also one additional representative to be elected in the years one thousand eight hundred and thirty two, one thousand eight hundred and thirty four and one thousand eight hundred and thirty five. The county of Pickaway, one representative, also one additional representative to be elected in the years one thousand eight hundred and thirty three, and one thousand eight hundred and thirty five; the county of Franklin one representative, also one additional representative to be elected in the years one thousand eight hundred and thirty two, and one thousand eight hundred and thirty four, and the two last named counties one senator. The county of Brown one representative, also one additional representative to be elected in the years one thousand eight hundred and thirty two, and one thousand eight hundred and thirty four; the county of Adams one representative, and the two last named counties one senator. The county of Clermont one representative and one senator. The county of Hamilton, four representatives and two senators. The county of Butler two representatives and one senator. The county of Warren one senator and one representative, also one additional representative to be elected in the years one thousand eight hundred and thirty three, and one thousand eight hundred and thirty five. The county of Montgomery two representatives, also one additional representative to be elected in the years one thousand eight hundred and thirty three, and one thousand eight hundred and thirty five. The county of Preble one representative, also one additional representative to be elected in the years one thousand eight hundred and thirty two, and one thousand eight hundred and thirty four, and the two last named counties one senator. The county of Greene one representative; the county of Clinton one representative; and the two last named counties one senator. The counties of Highland and Fayette one representative, to be elected in the years one thousand

eight hundred and thirty two, one thousand eight hundred and thirty four, and one thousand eight hundred and thirtyfive, and one representative each to be elected in the year one thousand eight hundred and thirty three, and the two last named counties one senator. The county of Clark one representative, the county of Champaign one representative, and the two last named counties one senator. The county of Miami one representative; the counties of Dark, Shelby, Mercer, Allen, Vanwert, Putnam, Paulding, Henry, Wood, and Williams, one representative; and the eleven last mentioned counties one senator. The countiesof Madison, Union, Logan, Hardin and Hancock, one representative and one senator.

Counties electing judges of election how governed.

Sec. 2. That when two or more counties elect, in common, senators or representatives, the judges of the election shall be governed by the provisions of the act entitled "an act to regulate elections."

Abstracts of counties electing in common when and where transmitted.

The abstract of votes given for senator in the county of Ashtabula, shall be transmitted to the clerk of the court of sommon pleas of Geauga county. The abstract of votes given for senator in the counties of Medina and Lorain, shall be transmitted to the clerk of the court of common pleas of Cuyahoga county. The abstract of votes given for representative in the county of Lorain, in the year one thousand eight hundred and thirty three, shall be transmitted to the clerk of the court of common pleas of Medina county. The abstract of votes given for senator in the counties of Seneca and Sandusky, shall be transmitted to the clerk of the court of common pleas of Huron county. The abstract of votes given for representative in the county of Sandusky, shall be transmitted to the clerk of the court of common pleas of Senca county. The abstract of votes given for senator in the county of Holmes, shall be transmitted to the clerk of the court of common pleas of Tuscarawas county. The abstract of votes given for senator in the county of Coshocton shall be transmitted to the clerk of the court of common pleas of Knox county. The abstract of votes given for senator in the counties of Marion and Crawford, shall be transmitted to the clerk of the court of common pleas of Delaware county. The abstract of votes given for representative in the county of Crawford, shall be transmitted to the clerk of the court of common pleas of Marion county. The abstract of votes given for senator in the county of Monroe, shall be transmitted to the clerk of the court of common pleas of Guernsey county. The abstract of votes given for senator in the county of Morgan, shall be transmitted to the clerk of the court of common pleas of Perry county. The abstract of votes given for senator in the counties of Washington, Gallia, Meigs, and Hocking, shall be transmitted to the clerk of the court of common pleas of Athens county. The abstract of votes given for representative in the county of Hocking, shall be transmitted to the clerk of the court of common pleas of Athens county. The abstract of votes given for representative in the county of Meigs, shall be transmitted to the clerk of the court of common pleas of Gallia county. The abstract of votes given for representative in the county of Lawrence, shall be transmitted to the clerk of the court of common

pleas of Scioto county. The abstract of votes given for representative in the county of Jackson, shall be transmitted to the clerk of the court of common pleas of Pike county. The abstract of votes given for senator in the counties of Lawrence, Pike, and Jackson, shall be transmitted to the clerk of the court of common pleas of Scioto county. The abstract of votes given for senator in the county of Pickaway, shall be transmitted to the clerk of the court of common pleas of Franklin county. The abstract of votes given for senator in the county of Brown, shall be transmitted to the clerk of the court of common pleas of Adams county. The abstract of votes given for senator in the county of Preble, shall be transmitted to the clerk of the court of common pleas of Montgomery county. The abstract of votes given for senator in the county of Clinton, shall be transmitted to be clerk of the court of common pleas of Greene county. The abstract of votes given for senator and representative in the county of Fayette, shall be transmitted to the clerk of the court of common pleas of Highland county, except the votes for a representative to be elected in the year one thousand eight hundred and thirty three. The abstract of votes given for senator in the county of Champaign, shall be transmitted to the clerk of the court of common pleas of Clark county. The abstract of votes given for senator in the counties of Dark, Shelby, Mercer, Allen, Vanwert, Putnam, Paulding, Henry, Wood, and Williams, shall be transmitted to the clerk of the court of common pleas of Miami county. The abstract of votes given for representative in the counties of Shelby, Mercer, Allen, Vanwert, Putnam, Paulding, Henry, Wood and Williams, shall be transmitted to the clerk of the court of common pleas of Dark county. The abstract of votes given for senator and representative in the counties of Madison, Union, Hardin, and Hancock shall be transmitted to the clerk of the court of common pleas of Logan county.

Repealing clause.

Sec. 3. That so much of the act entitled, "an act to apportion the representation within the State of Ohio," passed February 12th 1828, as comes within the provisions of this act, be, and the same is hereby repealed.

W. B. HUBBARD,
Speaker of the House of Representatives.
WM. DOHERTY,
Speaker of the Senate.

June 13th, 1832.

AN ACT to divide the State of Ohio into Congressional Districts.

State to be divided into nineteen congressional districts

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the state shall be divided into nineteen districts for the election of members of Congress, in the following manner: The county of Hamilton shall compose the first district. The counties of Butler, Preble and Dark, shall compose the second dis-

trict. The counties of Mercer, Vanwert, Paulding, Williams, Henry, Wood, Putnam, Allen, Shelby, Miami and Montgomery, shall compose the third district. The counties of Warren, Clinton and Highland, shall compose the fourth district. The counties of Brown, Clermont and Adams, shall compose the fifth district. The counties of Monroe, Lawrence, Gallia, Meigs, Washington and Athens, shall compose the sixth district. The counties of Jackson, Pike, Ross, Scioto and Fayette, shall compose the seventh district. The counties of Madison, Pickaway, Franklin, Delaware and Marion, shall compose the eighth district. The counties of Perry, Morgan, Fairfield and Hocking, shall compose the ninth district. The counties of Union, Hancock, Hardin, Logan, Champaign, Clark and Greene, shall compose the tenth district. The counties Guernsey and Belmont, shall compose the eleventh district. The counties of Muskingum and Licking, shall compose the twelfth district. The counties of Coshocton, Knox, Tuscarawas, and Holmes, shall compose the thirteenth district. The counties of Crawford, Richland, Seneca, Sandusky and Huron, shall compose the fourteenth district. The counties of Lorain, Cuyahoga, Portage and Medina, shall compose the fifteenth district. The counties of Geauga, Ashtabula and Trumbull, shall compose the sixteenth district. The county of Columbiana, shall compose the seventeenth district. The counties of Stark and Wayne, shall compose the eighteenth district. The counties of Jefferson and Harrison shall compose the nineteenth district: and any county which may hereafter be erected from counties lying in more than one congressional district, shall for the purpose of electing Representatives in Congress, be attached to such congressional district as the Legislature may direct at the time of erecting such county.

Districts enumerated.

Counties hereafter formed, when and where attached.

Sec. 2. That on the second Tuesday of October, in the year one thousand eight hundred and thirty two, and at every period of two years from the said second Tuesday of October, the electors within each congressional district in this state, shall vote for an eligible person residing therein, to represent the state of Ohio in the congress of the United States, for the term of two years from the fourth day of March next, after such an election.

Members of Congress when and how elected.

Sec. 3. That all elections under this act shall be held and conducted in all respects conformably to the provisions of the act entitled "an act to regulate elections."

Elections how conducted.

Sec. 4. That the clerk of the court of common pleas of each county, to whose office a return of votes for a representative to congress shall be made, shall in addition to the certified copy required to be forwarded to the secretary of state, by the provisions of the act to regulate elections, make out from the returns in his office, a separate abstract of votes for representative to congress, which he shall seal and direct to the secretary of state, and endorse on the outside or cover of such abstract the words, "Abstract of votes for a representative to Congress returned to the clerks' office of (here add the name of the county) and the respective clerks shall each deliver the abstract aforesaid to one of the members of

Clerk of common pleas to transmit abstract to secretary of state.

the Legislature, who shall take charge of the same, and deliver it to the secretary of state.

Governor and secretary of state to open returns in presence of senate.

Sec. 5. That within ten days after the commencement of the session of the Legislature first to be holden after such election, the governor and secretary of state shall in the presence of the senate, open the returns made to the secretary of state for Representatives to Congress; and if it shall appear that returns have been received from all the counties, agreeably to the provisions of this act, the governor and secretary of state shall proceed to ascertain the number of votes given to the different persons in each congressional district; but if such returns shall not have been received from all the counties as aforesaid and abstracts shall have been received by the Secretary of State, from such delinquent counties agreeably to the act to regulate elections, the Governor and Secretary of State shall be governed so far as it relates to such delinquent counties by the abstracts last mentioned, and the persons having the highest number of votes shall be considered duly elected: but if it shall appear from the returns and abstracts aforesaid, that any two or more persons in any district have the highest and an equal number of votes for representative to congress, the governor and secretary of state shall decide by lot which of said persons shall be duly elected, and the governor shall give to each person duly elected a certificate of his election, which certificate shall be signed by the governor and sealed with the great seal of the state, and countersigned by the secretary of state.

WILLIAM B. HUBBARD,
Speaker of the House of Representatives.
WILLIAM DOHERTY,
Speaker of the Senate.

June 13, 1832.

AN ACT to amend the act entitled an act for the preservation and repair of national road.

Superintendent to erect toll gates every ten miles.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be erected on the National Road by the superintendent thereof, under the direction of the governor, as many toll gates as will be equal to one toll gate and toll house for about every ten miles, regard being had to suitable situations for the same, and at intermediate distances, between the towns, situate upon said road: and for that purpose, the governor is hereby authorized to sell and convey for such price, as he may deem reasonable and just, either or all of the tracts of land heretofore purchased and held for the purpose of the toll gates upon said road.

Rates of toll to be collected at each toll gate.

Sec. 2. That at each of the toll gates to be erected, as provided in the foregoing section, there shall be charged and collected, and it shall be the duty of each gate keeper to demand and receive for passing such gate, the following tolls to wit: For every score of sheep or hogs, five cents; for every score of cattle ten cents; for every led or drove horse one and an half cents; for every mule or ass,

led or driven, one and a half cents; for every horse and rider, four cents; for every sled or sleigh drawn by one horse or ox, six and one fourth cents; for every horse or ox in addition, four cents; for every dearborn, sulky, chair or chaise, with one horse, eight cents; for every horse in addition, four cents; for every chariot, coach, coachee, stage or phæton, with two horses, twelve and an half cents; for every horse in addition, three cents; for every other carriage of pleasure under whatever name it may go, the like sum according to the number of wheels and horses drawing the same; for every cart or wagon whose wheels do not exceed the breadth of two and a half inches, six and one fourth cents; for every horse or ox drawing the same, three cents; for every cart or wagon whose wheels shall exceed two and one half inches in breadth, and not exceed four inches, four cents; for every horse or ox drawing the same, two cents; for every cart or wagon, whose wheels shall exceed four inches, and not exceeding six inches in breadth, two cents; for every horse or ox dawing the same two cents; and all other wagons or carts whose wheels shall exceed six inches in breadth, shall pass the said gates toll free; but for each horse or ox drawing the same there shall be paid two cents: provided that nothing herein contained shall be so construed as to authorize any tolls to be received or collected from children passing to or returning from school; persons passing to or returning from public worship, to or from a funeral, or to or from any muster or other military meeting required by law; and provided also, that no toll shall be received or collected for the passage of any stage or coach conveying the United States mail, or horses drawing the same; or any cavalry or other troops, arms or military stores belonging to the United States, or to any of the states comprising this Union, or any person or persons on duty in the military service of the United States or of the militia of any of the states.

Proviso, empting tain perso

Further emptions.

Sec. 3. The respective toll gatherers are hereby authorised to stop and detain the persons or property chargeable with toll according to the provisions of this act, until such toll is paid; and any person who shall by fraud, or by device of any kind, pass or avoid either of said gates, with the intention and for the purpose of preventing the toll gatherer from receiving such toll, shall upon conviction thereof, be liable to a fine of five dollars and the costs of such prosecution, to be recovered in any action of debt in the name of the state of Ohio, for the use of said road fund, before any justice of the peace of the county in which such offence was committed.

Authority toll gather

Penalties avoiding pay toll.

Sec. 4. The governor is hereby authorized to appoint the necessary collectors of tolls, who shall severally give bond and security, to the acceptance of the superintendent, for the faithful execution of the duties of their appointment. They shall be severally removable at the pleasure of the governor, who shall allow them respectively such stipulated compensation as he may deem reasonable, not exceeding one hundred and eighty dollars per annum. It shall be the duty of each and every toll collector, to demand and receive at the gate or station

governor s appoint col tor of toll v shall give b

Removeal at pleasur governor.

Duty of collectors.

tolls prescribed and directed by the third section of this act, and to pay the same into the treasury through the superintendent at such times and under such regulations, as the governor shall prescribe; and the said collectors shall be governed in all respects relative to their office, by such regulations as the governor shall ordain, in order to insure a due responsibility and a faithful discharge of their duties.

intend- horized pound certain

Sec. 5. The superintendent of said road is hereby authorized to compound with persons residing within eight miles of the said road and also, with the proprietor of any stage or post coaches, or other vehicles for the conveyance of passengers, for the payment of a yearly sum, to be in full for toll for the passage of any gate or gates; and on payment of any such sum, the person so compounding, his family, beasts and vehicles, shall not be charged with the payment of further toll during the year at the gate or gates, for which he may have so compounded.

rintend- hall have power to re mate- as super- of roads ighways.

Sec. 6. That the superintendent of said road shall have the same power and authority, in addition to the power and authority given to him by the act to which this is an amendment, for the procurement of materials for the preservation and repair of the said national road, as is given to the supervisors of roads and highways; under the act defining the duties of supervisor of roads and highways; for the procurement of materials for the repair or preservation of roads and highways; and any person aggrieved by the taking of any materials for the repair of said road, may apply to the commissioners of his county, and the same proceedings shall be had thereon and the same compensation be made therefor, as is provided in the tenth section of the last named act; which compensation shall be paid by the superintendent, and the amount thereof shall be by him charged to the road fund: provided, however, that the said superintendent is hereby authorized for and on behalf of this state, to contract and agree with the owner or owners of such materials as may be necessary for the purposes aforesaid, and pay for them out of the said road fund such sum as he may deem just and reasonable.

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viso, au- rising the erintend- to contract materials.

ernor au- ized to bor money to ir road.

Sec. 7. The governor is hereby authorized and empowered to cause the said road now under his superintendence to be put in good repair by the first day of November next; and for that purpose, he is hereby authorized in the name and on behalf of this state, to borrow such sum of money as may be necessary to effect the said object: provided however, that such loan shall not be made at a greater interest than at the rate of six per cent per annum, and that the same shall be repaid from the said road fund.

viso, loan to be at a ter inter- than 6 per

ernor au- ized to e- gates west Zanesville.

Sec. 8. The governor is hereby authorized and empowered, so soon as nine inches of limestone are placed by the United States government, upon so much of the road west of Zanesville, as will be sufficient in distance from the last gate east of Zanesville for the erection of a toll house and toll gate, and for every continuous ten miles of said road westward through this state as may be covered

necessary gate or gates, and from time to time as the said gates are established, to cause to be received and collected the tolls as specified in the second section of this act; provided however, that until such several parts of said road westwards of Zanesville are fully completed, the superintendent of the road, on the part of the United States, and all persons in office under him, and all contrctors and laborers with their horses wagons, carts, teams and vehicles actually engaged in the superintendence, business or finishing of such part or sections, shall pass toll free.

Proviso, permitting certain persons to pass free, who are working on said road.

Sec. 9. That it shall be the duty of the superintendent of said road to make out and transmit to the Legislature on the second Monday of December annually, a true and accurate report of all moneys charged and collected at each of the toll gates on said road in this state, for tolls, stating therein the different objects on which the same may have been charged and collected, and also for all expenditures made in the preservation and repair of said road; stating the same in as particular a manner as is practicable; and the said report shall be accompanied by the proper contracts, receipts and vouchers or copies thereof of the individuals performing such repairs; and for labor and materials furnished and provided; which report shall include one year next preceding the first day of December annually.

Superintendant to report to the Legislature annually on 2d Monday of December.

Sec. 10. That so much of the fourth section of the act hereby amended as provides for the collection of tolls for a distance less than twenty miles, be and the same is hereby repealed.

Repealing clause.

WILLIAM B. HUBBARD,
Speaker of the House of Representatives.
WILLIAM DOHERTY,
Speaker of the Senate.

June 14th, 1832.

AN ACT to amend the Act to provide for the election of county recorders, and prescribe their duties.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in case the office of recorder in any county is, or shall become vacant, the commissioners of the county shall appoint a recorder, who shall hold his office until a recorder shall be elected and qualified.

Vacancy in recorder, how filled.

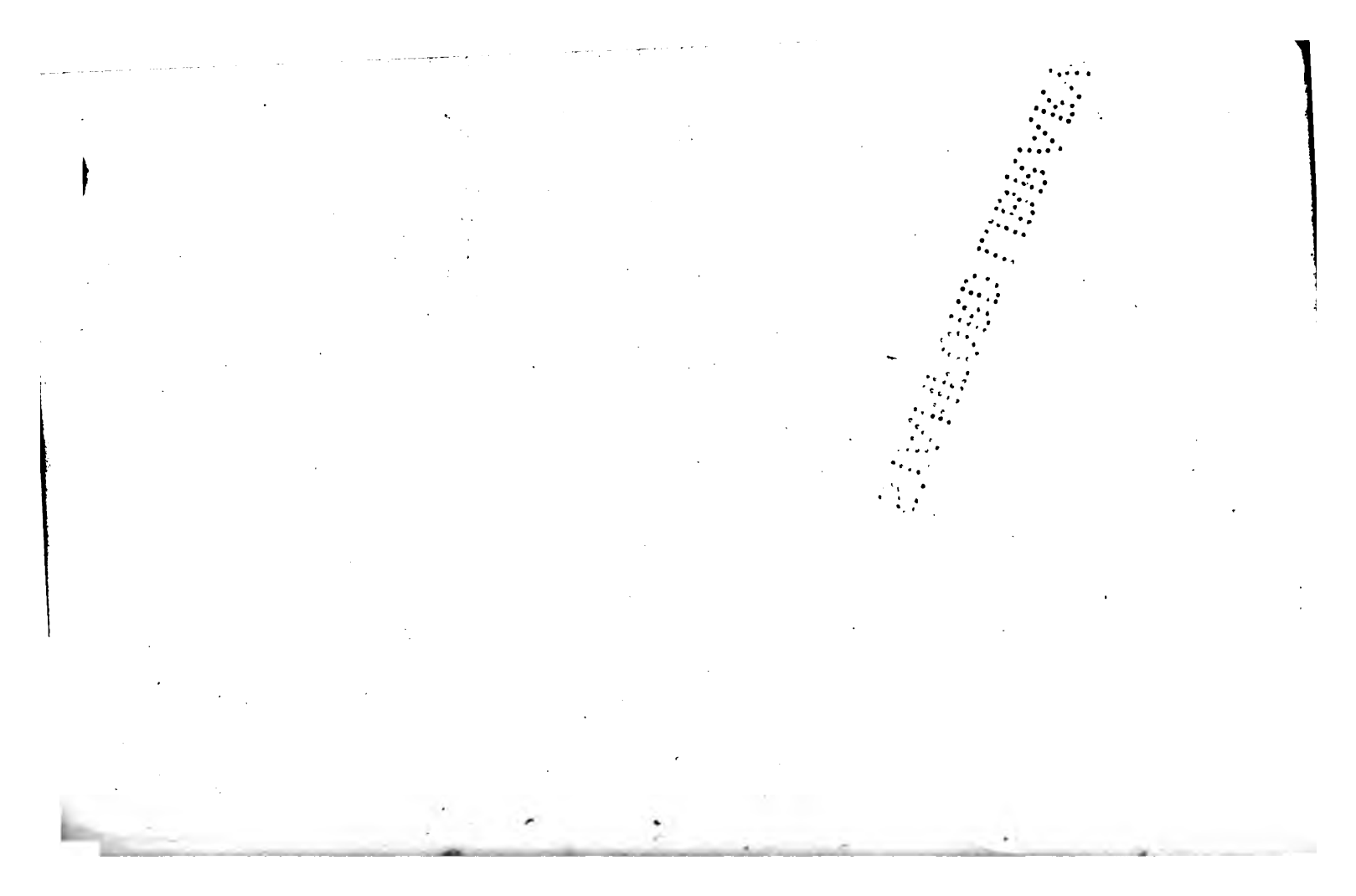
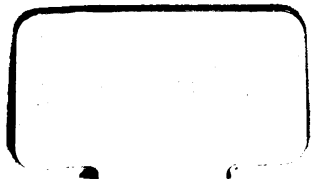
WILLIAM B. HUBBARD,
Speaker of the House of Representatives.
WILLIAM DOHERTY,
Speaker of the Senate.

June 9th, 1832.

SECRETARY OF STATES' OFFICE,
COLUMBUS, Ohio, June 16th, 1832.

I hereby certify, that the foregoing Acts are true and correct copies of the original roll on file in this office.

M. H. KIRBY, *Secretary of State.*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